

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

EARNEST E. VARNADO, JR., #R1032

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11cv222 HTW-LRA

**PIKE COUNTY SHERIFF OFFICIALS,
MARK SHEPHERD, CAPTAIN GREEN,
LT. REGAN, CHRIS COX, UNKNOWN
HARRELL, VERNON WASHINGTON,
SHAWN UMBRELLO, J. BELLIPANNS,
OLIVER GARDNER AND CLAUDIA
TILLMAN**

DEFENDANTS

ANSWER

COME NOW the Defendants, Pike County Sheriff Officials, Mark Shepherd, Captain Green, Lt. Regan, Chris Cox, Unknown Harrell, Vernon Washington, Shawn Umbrello, J. Bellipanis, Oliver Gardner and Claudia Tillman (hereinafter defendants), by and through their attorney, and for answer to the Complaint against them, they would show the following:

1. The Defendants deny that plaintiff has been deprived of his Constitutional rights and deny that plaintiff is entitled to relief sought in this paragraph or any relief whatsoever. The defendants admit that the Court has jurisdiction over this matter.

2. Admitted.

3. Admitted.

4. Defendants admit that Mark Shepherd is the Sheriff of Pike County, Mississippi.

5. Defendants admit that Captain Green is the Administrator of the Pike County Jail. Defendants deny that Lt. Regan is the Assistant Administrator. Defendants would

affirmatively show that Lt. Regan is the jail warden of the Pike County jail. Defendants deny all remaining allegations contained in Paragraph 5 of the complaint.

6. The Defendants deny any and all allegations contained in Paragraph 6 of the Statement of Claim.

7. The Defendants deny that plaintiff is entitled to maintain this action against the defendants individually and deny the remaining allegations contained in Paragraph 7 of the complaint.

8. (A) The Defendants deny any and all allegations of wrongdoing contained in paragraph 8(a) of plaintiff's complaint. Defendants deny that Deputy Cox said "shoot 'em boys".

(B) Defendants deny any and all allegations of wrongdoing contained in paragraph 8(b) of the complaint. Defendants deny that deputies made jokes about the plaintiff. Defendants would affirmatively show that they acted in a professional and appropriate manner at all times when plaintiff was arrested.

(C) Defendants deny any and all allegations of wrongdoing contained in paragraph 8(c) of the complaint. Defendants deny that any of them would have killed plaintiff. Defendants would affirmatively show that they acted in a professional and appropriate manner when plaintiff was arrested.

(D) Defendants deny any allegations of wrongdoing contained in paragraph 8(D) of the complaint. Defendants admit that plaintiff was booked in to the Pike County Jail, was fingerprinted and was photographed. Defendants deny all other allegations contained in paragraph 8(D).

(E) Defendants deny that plaintiff received inadequate medical care, and

would affirmatively show that plaintiff has, at all times, received appropriate and sufficient medical care. Defendants admit that plaintiff was seen at StatCare. Defendants deny any and all other allegations contained in paragraph 8(E) of the complaint.

(F) Defendants do not have sufficient information as to plaintiff's treatment at StatCare to admit or deny the allegations contained in paragraph 8(F), so deny same. Defendants deny that plaintiff was denied medication. Plaintiffs deny any remaining allegations contained in paragraph 8(F) of the complaint.

(G) Defendants deny the allegations contained in paragraph 8(G) of the complaint.

(H) Defendants deny that plaintiff has received inadequate medical care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical care. Defendants deny any remaining allegations contained in this paragraph.

(I) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations contained in this paragraph.

(J) Defendants deny that plaintiff's mail is tampered with, lost, or sent or received late. Defendants do not have sufficient information as to whether plaintiff wrote a letter to Roger Graves to admit or deny, and therefore deny same. Defendants deny any remaining allegations contained in this paragraph.

(K) Defendants deny all allegations contained in paragraph 8(K) of the complaint. Defendants would affirmatively show that appropriate procedures are in place

regarding inmate mail, and that those procedures have been followed.

(L) Defendants deny that plaintiff lives in unsanitary conditions or in conditions of filth. Defendants would affirmatively show that plaintiff has been housed in appropriate conditions and that the Pike County Jail meets all applicable housing standards. Defendants deny all further allegations contained in this paragraph of the complaint.

(M) Defendants do not have sufficient information regarding plaintiffs alleged conversation with Dr. Snow to admit or deny the allegations contained in this paragraph, and, therefore, deny same.

(N) Defendants deny any and all allegations of wrongdoing contained in this paragraph. Defendants would affirmatively show that they acted in accordance with proper procedures in their interactions with plaintiff.

(O) Defendants deny all allegations contained in this paragraph.

(P) Defendants deny the allegations contained in this paragraph of the complaint. Defendants would affirmatively show that they have acted in accordance with all applicable laws and procedures.

(Q) Defendants deny the allegations contained in this paragraph of the complaint.

(R) Defendants do not have sufficient information to admit or deny the allegations contained in this paragraph and, therefore, deny same.

(S) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations

contained in this paragraph.

(T) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations contained in this paragraph.

(U) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations contained in this paragraph.

(V) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations contained in this paragraph.

(W) Defendants deny that plaintiff has received inadequate medical or dental care and would affirmatively show that plaintiff has, at all times, been provided appropriate and sufficient medical and dental care. Defendants deny any remaining allegations contained in this paragraph.

(X) Defendants deny all allegations contained in this paragraph of the complaint. Defendants would affirmatively show that appropriate procedures are in place regarding inmate mail, and that those procedures have been followed.

(X-2) Defendants deny allegations contained in this paragraph of the complaint.

(X-3) Defendants deny that plaintiff's life is under hazard due to fire exits

locations. Defendants would affirmatively show that plaintiff has been provided adequate and safe housing.

(X-4) Defendants deny that the food at the Pike County Jail is prepared under improper or unclean conditions.

(X-5) Defendants deny the allegations in this paragraph and would affirmatively show that that plaintiff and other inmates are provided proper bedding and clothing.

(X-6) Defendants deny the allegations contained in this paragraph. Defendants would affirmatively show that plaintiffs and other inmates are properly housed and that the Pike County Jail is properly maintained and cleaned.

9. Defendants deny all allegations contained in this paragraph of the complaint.

10. Defendants deny the use of excessive force. Defendants deny allegations of deliberate indifference or negligence. Defendants deny negligence and unsanitary preparation of plaintiffs food and deny that they have violated plaintiff's Eighth Amendment rights. Defendants deny all other allegations contained in this paragraph of the complaint.

11. Defendants deny that the Pike County jail does not have a proper grievance system.

Defendants deny all other allegations contained in this paragraph of the complaint.

12. Neither admit nor deny.

13. Defendants deny allegations of the use of excessive force, deny allegations of deliberate indifference to medical needs, deny allegations of violation of constitutional rights, deny allegations of cruel and unusual punishment and deny allegations of due process violation. Defendants further deny allegations of violation of plaintiff's right to

freedom of speech. Defendants deny all other allegations contained in this paragraph of the complaint.

1. Defendants deny all allegations contained in this paragraph of the complaint.

2. Defendants deny all allegations contained in this paragraph of the complaint.

3. Defendants deny all allegations contained in this paragraph of the complaint.

14. Defendants deny all allegations contained in this paragraph of the complaint.

Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

15. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

16. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

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17. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

18. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

19. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

20. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

21. Defendants deny that plaintiff is entitled to the relief sought in this paragraph, or any relief whatsoever.

AFFIRMATIVE DEFENSES

1.

Plaintiff fails to state a claim or cause of action upon which relief can be granted.

2.

Defendants reserve the right to assert further affirmative defenses, if necessary, at a later date.

Having answered the Complaint and denying that the Plaintiff is entitled to any relief whatever, the Defendants request the dismissal of the Complaint against them.

Respectfully Submitted:

MARK SHEPHERD, ET AL, DEFENDANTS

BY: DOWDY COCKERHAM & WATT,
ATTORNEYS AT LAW

s/Dunbar Watt
OF COUNSEL

DOWDY COCKERHAM & WATT
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CERTIFICATE OF SERVICE

I, Dunbar Watt, do hereby certify that I have this day electronically filed and mailed
by United States mail, postage prepaid, a true and correct copy of the Answer:

Earnest E. Varnado, Jr.
No. R1032
Pike County Jail
2109 Jessie Hall Road
Magnolia, MS 39652

THIS the 10th day of May, 2011.

s/Dunbar Watt

DUNBAR WATT